

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF GEORGIA
AUGUSTA DIVISION

MARLON MAURICE ELLIS,)
Plaintiff,)
v.) CV 123-018
LT. JORDAN and WARDEN PASCAL,)
Defendants.)

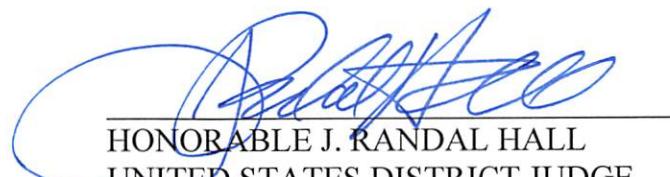
ORDER

On April 11, 2023, the Magistrate Judge entered a Report and Recommendation (“R&R”) that dismissed Plaintiff’s complaint as a sanction for abuse of the judicial process. (Doc. no. 10.) The Court also instructed Plaintiff any objections to the R&R had to be filed no later than April 28, 2023. (Doc. no. 11.) Having received no objections to the R&R by the deadline, the Court adopted the R&R as its opinion on May 5, 2023. (Doc. no. 14.)

On May 8, 2023, the Clerk of Court received Plaintiff’s objections to the R&R via mail, which Plaintiff signed April 18, 2023. (Doc. no. 16.) Although Plaintiff’s objections did not reach the Court by the objection deadline, using Plaintiff’s signature date, and granting him the benefit of the “mailbox rule,” the Court accepts the objections. See Houston v. Lack, 487 U.S. 266, 276 (1988) (deeming prisoner document filed on the date of delivery to prison officials for mailing); United States v. Glover, 686 F.3d 1203, 1205 (11th Cir. 2012) (“Unless there is evidence to the contrary . . . we assume that a prisoner’s motion was delivered to prison authorities on the day he signed it.”). Thus, the Court **VACATES** the May 5th Adoption Order. (Doc. no. 14.)

After a careful, *de novo* review of the file, the Court concurs with the Magistrate Judge's R&R, to which objections have been filed. (Doc. no. 16.) Plaintiff simply states he forgot about his undisclosed cases, which is no excuse. Accordingly, the Court **OVERRULES** Plaintiff's objections, **ADOPTS** the Report and Recommendation of the Magistrate Judge as its opinion, **DISMISSES** this case without prejudice as a sanction for Plaintiff's abuse of the judicial process, and **CLOSES** this civil action.

SO ORDERED this 12th day of May, 2023, at Augusta, Georgia.



HONORABLE J. RANDAL HALL
UNITED STATES DISTRICT JUDGE
SOUTHERN DISTRICT OF GEORGIA